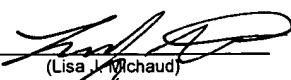


EFW

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Dated: October 6, 2004

Signature:   
(Lisa J. Michaud)

Docket No.: 101896-0239  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 08 2004  
U.S. PATENT & TRADEMARK OFFICE  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Jonathan Fanger et al.

Application No.: 10/776,414

Filed: February 11, 2004

For: GUIDE FOR SPINAL TOOLS, IMPLANTS,  
AND DEVICES

Confirmation No.: 2408

Art Unit: 3739

Examiner: Not Yet Assigned

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Copies of the U.S. references cited on the attached PTO Form SB/08 are not provided because this application was filed after June 30, 2003, thus only a copy of the foreign reference cited is enclosed herewith.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

This Information disclosure Statement is being filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)), thus no fee or certification is required with the filing of this paper. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-0239.

Dated: October 6, 2004

Respectfully submitted,

By

Lisa J. Michaud

Registration No.: 44,238

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

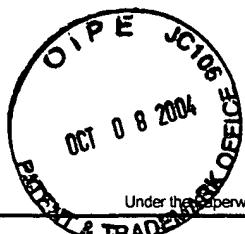
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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/776,414-Conf. #2408
				Filing Date	February 11, 2004
				First Named Inventor	Jonathan Fanger
				Art Unit	3739
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	101896-0239 (DEP-5150CIP)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5,180,381	01-19-1993	Gilbert M. Aust	
		US-2004/0092947-A1	05-13-2004	Kevin Foley	
		US-2004/0015174-A1	01-22-2004	William Null	
		US-2003/0233098	12-18-2003	Aaron Markworth	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
		WO-03/024344	03-27-2003	KIM, Kee, D.	T <sup>6</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	CA	Product Literature, by SYNTHES Spine, "The Cervical Spine Locking Plate" CSLP, 2000			

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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